

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

William J. Carey

v.

Civil No. 07-cv-380-SM

Larry Blaisdell, Warden,
Northern New Hampshire
Correctional Facility

O R D E R

William Carey was previously ordered to amend his petition for a writ of habeas corpus to either demonstrate exhaustion of claims for which exhaustion had not yet been demonstrated, request a stay of those claims, or choose to forego his unexhausted claims. Additionally, Carey was advised to, in his amended petition, voluntarily dismiss one of his claims, as that claim was not cognizable in a federal habeas action. Carey has now responded to that Order. Carey has voluntarily dismissed the claim numbered 3 in the March 13, 2008 Order to amend. Carey has also elected to forego the unexhausted claims, numbered 6 and 14 in the March 13, 2008 Order to amend.

I find that Carey has now presented 12 claims to this Court which, for purposes of preliminary review, are facially valid and

may proceed. See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (“§ 2254 Rules”). Accordingly, the petition shall be served upon the New Hampshire State Prison, which shall file an answer or other pleading in response to the allegations made therein. See id. (requiring reviewing judge to order a response to the petition). The Clerk’s office is directed to serve the New Hampshire Office of the Attorney General, as provided in the Agreement on Acceptance of Service copies of this Order, the original habeas petition and amendments/addenda thereto (document nos. 1, 11 & 14), and the March 13, 2008 Order to amend (document no. 9).

Respondent is directed to answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth contents of the answer).

Upon receipt of the response, the Court will determine whether a hearing is warranted. See § 2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service

is to be made by mailing the material to the parties' attorney(s).

SO ORDERED.

/s/ Justo Arenas
Justo Arenas
United States Magistrate Judge

Date: August 14, 2008

cc: William J. Carey, pro se